

REMARKS:

This communication is in response to the detailed Office Action mailed April 4, 2005. Applicant has amended the specification, claims 1 and 3-9 are pending. The Examiner's comments and rejections are addressed below:

Objections to the Specification

The Examiner objected to the previously filed amendments in the specification. More particularly, the Examiner has noted that replacement paragraphs [0021], [0022], and [0024] fail to show the changes. As such, Applicant has re-introduced the amendments to these paragraphs by underlining the added referential numerals, 7a, 7b, and 14a, to correspond with the hook portion, impact portion, and slot, respectively. Therefore, Applicant respectfully requests withdrawal of this objection.

Objections to the Drawings

The Examiner objected to the drawings because each part of the invention, such as the dash panel, in claims 8 and 9 and paragraph [0022] of the specification should be designated by a reference numeral or character. Accordingly, Applicant has added referential numeral 11 next to "dash panel" in paragraph [0022]. However, Figs. 1-3 already have a referential numeral (11) marked for the dash panel. As such, Applicant believes that Figs. 1-3 are acceptable, and no replacement sheets are submitted at this time. Based on the above, Applicant respectfully requests withdrawal of these objections.

The 35 U.S.C. § 102(b) Rejection

The Examiner has rejected claims 1 and 3-8 under 35 U.S.C. § 102(b) as being anticipated by EP 0 827 885 ("Gaetano"). However, Applicants respectfully traverses this rejection.

Gaetano discloses a pedal apparatus comprising a bracket (20) hinged to a support (16) integral with the front body frame (17), a pedal arm (10) pivotally connected to the bracket (20), and a lever (30) hooked at one end to the bracket (20), in which the lever (30) is pivotally mounted to the steering column (40) and configured to strike the steering column (40) from a counter-clockwise direction in the event of a frontal collision (col. 2, line 31-col.

3, line 19; Fig. 1). A first pin (15) pivotally connects the bracket (20) to the support (16) integral with the front body frame (17) (col. 2, line 31-col. 3, line 19; Fig. 1). A second pin (21) is also fixed to the bracket (20) for the lever (30) to hook onto it (col. 2, line 31-col. 3, line 19; Figs. 1 and 2). A third pin (33) pivotally connects the lever (30) to the support (16) (col. 3, lines 1-3; Figs. 1-5). During a frontal collision, the pivotal connection (32) becomes a center of rotation around which the lever (30) rotates so as to lift its own rear end recess 31, and the pin (21) is released, which causes the bracket to be free to rotate downwards (*i.e.*, clockwise direction in Figs. 1 & 2) with respect to the first pin (15) (See col. 3, lines 3-10; Fig. 2). In other words, only when the bracket receives torque from the pedal 10 through the pin 11, the bracket may rotate.

Yet, Gaetano does not teach each limitation of claims 1 and 7. For example, in claim 1, Gaetano does not teach that a “pedal arm that rotates in a direction of the front of the vehicle by torque transferred from the lever,” after the lever strikes the striking portion. Similarly, in claim 7, Gaetano does not teach a first end of the lever pulling the pedal arm to a retracted position after the striking member strikes the impact end of the lever. As noted above, Gaetano’s lever merely unhooks and causes the bracket to rotate downwards by releasing the pin. With the bracket rotating downwards, the pedal arm follows in the same direction, since it is connected to the bracket. This downward rotation of the bracket and the pedal arm is not the same as the rotation of the pedal arm recited in claim 1 and 7. In fact, Gaetano’s pedal arm rotates in the opposite direction of what claims 1 and 7 recites. Furthermore, Gaetano’s pedal arm maintains its original position even when there is a front impact, where the pedal arm and the bracket are rotated by the impact force generated by the driver’s foot when his foot collides with the pedal arm.

Accordingly, Gaetano does not anticipate claims 1 and 7. Because claims 3-6 depend on claim 1, and they are also patentably distinct from Gaetano. Since claim 8 depends on claim 7, Gaetano also does not anticipate it. Based on the above, Applicant respectfully requests withdrawal of this rejection.

The 35 U.S.C. § 102 (a) Rejection

The Examiner rejected claim 9 under 35 U.S.C. § 102(a) as being anticipated by EP 1 247 710 A1 (“Franck”). However, Applicant respectfully traverses this rejection.

Franck teaches a brake pedal system for a car that has a secondary arm (6) mounted

on the same pivot as the pedal (4) but able to turn independently of it (Abstract). The pedal and arm are connected by a pin (7) passing through them, which fits against a plate (8) welded to the pedal (Abstract). There is also a stop (10) mounted on a fixed component of the car “so that it is deformed to free the pedal in a crash” (Abstract). From Fig. 8, the lever (9) strikes the stop. The plate (8) is not pulled by the lever (9) but is deformed by the lever (9) (Figs. 2-3 and 8), where a pawn 80 is projected from the plate (8), a stem (7) is contacted to the pawn (80) and is inserted into a hole (41) of the pedal (4) and a hole (61) of a secondary arm (6), and the secondary arm (6) is connected to a control stick (11) of a brake body (12).

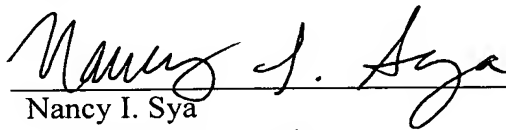
However, based on the abstract and the figures, Franck does not teach every limitation of claim 9. For instance, Franck does not teach a first end of the lever pulling the pedal arm to a retracted position after the striking member strikes the impact end of the lever. Franck’s lever does not pull the pedal but just causes the plate to be flattened such that the pedal is free to rotate. More particularly, the lever (9) in Franck is rotated with respect to an axis (92), where the plate (8) is flattened by the rotating lever (9), the pawn (80) of the flattened plate (8) pushes the stem (7), and the pushed stem (7) is moved from the hole (41) of the pedal (4) such that the pedal can swivel independently to the secondary arm (6). Moreover, as seen in Fig. 2, Franck shows the pedal not in a retracted position after the lever strikes the stop. In light of the foregoing, Franck does not anticipate claim 9, and Applicant respectfully requests withdrawal of this rejection.

CONCLUSION

In light of the present amendments and the above arguments, Applicant believes claims 1 and 3-9 are now allowable and the rejections moot. Should the Examiner have any continuing objections or concerns, the Examiner is respectfully asked to contact the undersigned in order to expedite allowance of this case. Authorization is granted to charge any outstanding fees due at this time for the continued prosecution of this matter to Morgan, Lewis & Bockius LLP Deposit Account No. 50-0310 (matter no. 060944-0183).

Respectfully submitted,

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